

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 10, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 12-50726

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

CORNELIUS EDWARD ALEXANDER, JR., also known as Shorty, also known  
as Cornelius Alexander,

Defendant–Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:04-CR-1-1  
\_\_\_\_\_

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Cornelius Edward Alexander, Jr., seeks our authorization to proceed in forma pauperis (IFP) in his appeal of the district court’s denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence for possessing with intent to distribute crack cocaine. Alexander questions the district court’s denial of IFP status and certification that his appeal was not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

## No. 12-50726

Alexander contends that the district court abused its discretion when it did not reduce his sentence pursuant to retroactive provisions of Amendment 750 to the United States Sentencing Guidelines. *See* U.S. SENTENCING GUIDELINES MANUAL § 1B1.10(c) (2011); *Dillon v. United States*, 130 S. Ct. 2683, 2691 (2010). The district court understood that Alexander was eligible for a reduction under § 3582(c)(2), but it determined that his sentence as it stood was appropriate in light of the applicable sentencing factors and therefore declined to reduce it. Our review reveals no arguable merit to the contention that it was an abuse of discretion to deny Alexander the relief he requested. *See* 18 U.S.C. § 3582(c)(2); *United States v. Henderson*, 636 F.3d 713, 717-18 (5th Cir. 2011); *United States v. Whitebird*, 55 F.3d 1007, 1010 (5th Cir. 1995). Consequently, we may dismiss this frivolous appeal sua sponte. *See* 5TH CIR. R. 42.2; *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

Alexander's IFP motion is DENIED, and the appeal is DISMISSED.